

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 10-10222
Non-Argument Calendar

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT AUGUST 17, 2010 JOHN LEY CLERK
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D.C. Docket No. 4:09-cv-01257-VEH

KIMBERLY SMITH,

Plaintiff - Appellant,

versus

SOCIAL SECURITY ADMINISTRATION COMMISSIONER,
Michael J. Astrue,

Defendant - Appellee.

Appeal from the United States District Court
for the Northern District of Alabama

(August 17, 2010)

Before CARNES, PRYOR and ANDERSON, Circuit Judges.

PER CURIAM:

Kimberly Smith appeals the dismissal of her complaint challenging the denial of her application for social security disability benefits. The district court ruled that Smith's complaint was untimely. We affirm.

The district court did not err by dismissing Smith's complaint. Smith acknowledges that her complaint was filed after the period of limitation expired, 42 U.S.C. § 405(g), but she argues that the period should have been equitably tolled. To toll the statute of limitation, Smith had to establish that "extraordinary circumstances, such as fraud, misinformation, or deliberate concealment," excused her late filing. Jackson v. Astrue, 506 F.3d 1349, 1355 (11th Cir. 2007). The district court correctly concluded that Smith's arguments about her mental illness, dependence on her daughter, and attorney error do not constitute extraordinary circumstances that warranted equitable tolling.

The dismissal of Smith's complaint is **AFFIRMED**.